

Application No. 10/017,530
Amendment dated February 24, 2004
Reply to Office Action of October 7, 2003

REMARKS

Claims 1-12 are pending.

The drawings have been objected to because Figs. 1 and 2 lack descriptive legends for each major element.

Claim 10 has been rejected under 35 U.S.C. § 102 as being anticipated by Lesher (3,917,911). Claims 1-8 and 11-12 have been rejected under 35 U.S.C. § 103 as being unpatentable over Lesher (3,917,911) in view of Kohen et al. (4,823,380). Claim 9 has been rejected under 35 U.S.C. § 103 as being unpatentable over Lesher (3,917,911) in view of Kohen et al (4,823,380) and further in view of McNab et al (4,937,855).

Claims 1 and 11 have been amended. Claim 11 has been amended to correct a typographical error. The specification has been amended to correct typographical errors.

THE EXAMINER SHOULD WITHDRAW HIS OBJECTION TO THE DRAWINGS BECAUSE DESCRIPTIVE LEGENDS ARE NOT REQUIRED

The Examiner has objected to Figs. 1 and 2 because they do not contain descriptive legends for each major element in the figures. The Examiner has requested that the numerals in the figures be labeled and has provided some suggested descriptive legends.

The Applicant respectfully requests that the Examiner withdraw this objection because the Patent Rules do not require the use of descriptive legends in this instance. Patent Rule 1.84(o) suggests that legends are generally disfavored and only requires legends where necessary for an understanding of the drawings: "Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible." 37 C.F.R. § 1.84(o). The specification identifies what each element is in Figures 1 and 2 and therefore descriptive legends are not needed for an

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understanding of these figures. Accordingly, the Applicant believes that the Examiner's objection is overcome.

CLAIM 10 IS NOT ANTICIPATED BY LESHER

The Examiner has rejected claim 10 under 35 U.S.C. § 102(b) as being anticipated by Lesher (3,917,911). In the Office Action, the Examiner notes that claim 10 requires "b) responding by the occupant to a call from a person at the gate by selecting one of the responses from the following group: *communicating in the normal voice of the occupant*, modifying the voice of the occupant in responding and responding with a recorded message." (Emphasis in Office Action.) The Examiner states that Lesher teaches this at column 4, lines 7-9 of Lesher.

Lesher generally discloses a security entry system that allows "occupants to remotely control a gate lock so as to allow entry to persons who telephone and whose entry is approved." (Col. 1, ll. 10-14.) In the disclosed system, occupants communicate with visitors seeking entry. (Col. 4, ll. 7-9.) Lesher does not disclose that the occupant communicates with a visitor other than through the occupant's normal and unrecorded voice.

Lesher does not teach or suggest responding to a person at the gate by *selecting a manner of responding* from one of the group of responses recited in claim 10. There is only one way of responding disclosed in Lesher: communicating directly with the visitor in the occupant's normal and unrecorded voice. Lesher does not teach or suggest that there are any other ways of responding, such as by modifying the voice of the occupant or by responding with a recorded message. Lesher therefore does not teach or suggest that multiple types of responses are available for selection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection.

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**CLAIMS 1-8 AND 11-12 ARE NOT OBVIOUS
OVER LESHER IN VIEW OF KOHEN ET AL.**

The Examiner has rejected claims 1-8 and 11-12 as being unpatentable over Lesher (3,917,9110) in view of Kohen et al. (4,823,380). More specifically, the Examiner states that Lesher teaches an audio security system for a barrier entry communication system, but acknowledges that Lesher fails to teach a voice modification mechanism. The Examiner states that "Kohen et al teach a voice changer for use or integrated with a telephone for modifying the voice of the occupant ... to a desired voice such as a male voice" The Examiner found it obvious to combine the audio security system of Lesher with the voice changer of Kohen et al.

To establish a *prima facie* case of obviousness there must be some suggestion or motivation *in the prior art* to make the claimed invention, there must be a reasonable expectation of success, and the prior art reference must teach or suggest all of the claim limitations. MPEP 2142; *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). Both the suggestion and the expectation of success *must be found in the prior art*, not in the Applicant's disclosure. *In re Dow Chem. Co.*, 837 F.2d 469, 473 (Fed. Cir. 1988). The mere fact that the prior art can be modified does not make the modification obvious unless the prior art taught or suggested the desirability of the modification. *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984). The Patent Office has the burden of establishing a *prima facie* case of obviousness. MPEP 2142; *In re Vaeck*, 947 F.2d at 493.

Claim 1 has been amended. More specifically, the Applicant has amended claim 1 to recite that the first voice communication and second voice communication device use the public telephone system, not an intercom system. Claim 1 is not obvious in light of Lesher, Kohen et al., or other prior art.

Lesher is directed generally to an entry control system that allows occupants, such as occupants of multiple unit apartment buildings, to remotely control a gate lock, such as the lock of a lobby door. (Col. 1, ll. 10-14; col. 1, ll. 52-56.) Lesher noted that

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there are drawbacks to the use of intercom systems, such as "the need for additional wiring to each apartment." (Col. 1, ll. 18-25.) There is significant cost, time, and expense associated with installing and maintaining such intercom wiring, especially for large apartment complexes. (Col. 1, ll. 23-30; col. 2, ll. 43-52.) Thus, one of the objects of Lesher was to avoid the use of intercoms and intercom wiring entirely (col. 1, ll. 52-56), and accordingly, Lesher expressly taught away from the use of intercoms. Further, as recognized by the Examiner, Lesher does not disclose, or in any way suggest, the use of a voice modification mechanism with an entry control system.

Instead, the Examiner relied on Kohen et al., which discloses a voice changer that changes the audio characteristics of the user's voice. Kohen et al., however, does not disclose or suggest the use of a voice changer in conjunction with a telephone entry system. It only suggests the use of the voice changer with a telephone or an *intercom* system, not with a telephone entry system:

- "Also, in front door security intercoms, the occupant would reveal their sex by answering on the intercom." (Col. 1, ll. 27-29.)
- "A still further object is to provide a voice changer which provides security by changing the apparent sex of the speaker on a telephone or intercom." (Col. 2, ll. 13-15.)
- "The voice changer may also be used on an intercom" (Col. 2, l. 53.)
- "For example, the voice changer 22 could be provided on one of the microphone of an intercom." (Col. 4, ll. 48-49.)

There is no motivation to combine the teachings of Lesher with Kohen et al. at all. In fact, the references expressly indicate that their teachings should not be combined. Lesher is directed to an entry control system. It does not teach or suggest combining its teaching with a voice changer, and it expressly teaches away from the use of an intercom system. Kohen et al. is directed to a voice changer but only suggests that the voice changer might be combined with an intercom system (which is expressly

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rejected by Lesher), not with any other type of entry control system. Thus, taken together, there is no suggestion to combine any of the teachings of Lesher with those of Kohen et al. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objections as to claims 1-8 and 11-12.

**CLAIM 9 IS NOT OBVIOUS OVER LESHER
IN VIEW OF KOHEN ET AL. AND MCNAB ET AL.**

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Lesher (3,917,911) in view of Kohen et al. (4,23,380) and further in view of McNab et al. Claim 9 depends from claim 1 and recites "a video image of a person calling from said first communication device is provided to a person using said second communication device." The Examiner stated that McNab teaches "an integrated security system have telephone line and a video camera for use with building entrance."

McNab, however, does not suggest combining its teaching with a voice modification device. Kohen et al. only suggests using a voice changer that can be used with an intercom system, not with a telephone entry system. Accordingly, none of the references contain a motivation to combine a telephone entry system with a voice modification mechanism.

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Based on the foregoing, reconsideration and allowance of claims 1-12 is respectfully requested.

Respectfully submitted,

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